

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION**

Applicant(s): Torsten MULLER et al.

Serial No. 10/536,674

Group Art Unit: 1651

Filed: July 29, 2005

Examiner: Lora E. Barnhart

Att. Docket No.: B1180/20038

Confirmation No.: 9821

For: FLUIDIC MICROSYSTEM COMPRISING FIELD-FORMING PASSIVATION
LAYERS PROVIDED ON MICROELECTRODES

PROVISIONAL ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the October 9, 2007 Office Action, Applicants hereby provisionally elect Group I, claims 14-26, drawn to a fluidic microsystem comprising a channel surrounded by two electrodes. This election is made with traverse.

As noted in the Office Action, unity of invention practice applies to this national phase application. As noted in MPEP 1850:

[T]he requirement of unity of invention referred to in [PCT] Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Claim 27 of Group II depends from base claim 14, and therefore includes all the features of claim 14, regardless of whether they are deemed to be special technical features. In particular, claim 27 requires the method to be conducted in a channel of the fluidic microsystem of claim 14. Thus, the fluidic microsystem of claim 14 is the special technical feature of the claims. Unless the Examiner can adduce evidence that the special technical feature was known in the prior art, the claims must be examined together. Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

App. No. 10/536,674
Provisional Election of 11/6/2007
Responsive to Office Action of 10/9/2007

prior art, the claims must be examined together. Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

It is respectfully submitted that the application is in good form for initial examination on the merits. Accordingly, prompt and favorable examination on the merits is respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in even better condition for initial examination and allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

November 6, 2007

By 

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Please charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.
